PROBATE COURT

In 1818, the court of probate was established in each county, the members of which were appointed by the governor, and from which appeals might be taken to the supreme court. These courts continued in operation until Michigan became a state.

The Revised Statutes of 1838 made the office of Judge of Probate elective for a term of 4 years. The Constitution of 1850 provided for a probate court in each county.

Jurisdiction

The Constitution of 1908 and subsequent acts of the legislature have provided for the jurisdiction of the probate court.

The Constitution of 1963 provides that "the jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law." It exercises exclusive jurisdiction in such matters as juvenile delinquency, neglect, abuse, and adoption proceedings. Another major function is the court's supervision of "probating" of wills and of the administration of estates and trusts of deceased persons by personal representatives. The probate court also hears cases pertaining to guardianships, conservatorships, the commitment for hospital care of mentally ill persons, the mentally handicapped, addicted persons, and condemnation of land

The probate court's juvenile division is commonly known as juvenile court and hears cases involving families and children under the age of 17 who are delinquent or neglected and abused. Effective January 1, 1998, a family division of circuit court was created into which were merged many probate court matters and all domestic relations matters.

Probate judges are elected on a nonpartisan ballot for six-year terms, subject to the same requirements as other judges. The legislature sets their salaries, which may be supplemented by counties.

Under Act 271 of 1969, 20 proposed probate districts were created. However, at a special election held on November 4, 1969, only 4 counties voted to approve and establish probate districts. The counties of Charlevoix and Emmet were joined as the 7th Probate District and Gladwin and Clare counties were joined as the 17th Probate District. Under Act 253 of 1974, the voter-approved 5th Probate District, consisting of Alger and Schoolcraft counties, was established. Under Act 45 of 1976, the voter-approved 18th Probate District, consisting of Mecosta and Osceola counties, was established. Luce and Mackinac counties comprise the 6th Probate District.

Caseload

In 1997, 69,422 new cases were filed in probate court (exclusive of juvenile matters). This represents a decrease of 3,125 (-4.3%) cases from the 72,547 new cases filed the previous year. Supervised and independent estates, guardianships, conservatorships, and mentally ill petitions constitute most of the new probate mental and estate cases. Between 1996 and 1997 supervised decedent estates decreased by 11.5%, mentally ill petitions decreased by 12.7%, guardians of developmentally disabled individuals increased by 12.7%, conservators increased by 9.0%, and adoption-related petitions increased by 9.7%.

The average number of new estate division cases filed per probate judge in 1997 was 649 and the average number of reported activities per judge was 226 (exclusive of juvenile caseload). Between 1993 and 1997 mentally ill petitions increased by 20.2% and conservator petitions increased by 18.2%.

In addition to new cases, the probate courts reported 24,263 activities. Trust registration and wills for safekeeping (11,763), assignments of property under \$5,000 (8,096), and change of name (3,188) comprised the largest groups of activities. In 1997 assignments of paternity were shifted from probate court to the Family Independence Agency.

MICHIGAN PROBATE COURTS AND PROBATE COURT DISTRICTS



LEGEND TOTALS

- (#)- Probate Court Districts 106 Judgeships
- 78 Number of Probate (#) - Number of Probate Court Judgeships Courts